



February 21, 2007

## SENATE BILL No. 486

DIGEST OF SB 486 (Updated February 19, 2007 1:38 pm - DI 116)

**Citations Affected:** IC 15-2.1.

**Synopsis:** Termination of farm animal tracking agreement. Provides that the state may not participate in the National Animal Identification System (NAIS) or any component of animal tracking. Places restrictions on private systems for premises registration and animal identification. Provides that the state and units of local government may not provide any special consideration or other incentives to benefit any participant in an animal identification or premises registration based solely on participation in a private system for premises registration and animal identification. Provides that rules adopted by the state board of animal health and any agreements entered into by the state under NAIS are void.

**Effective:** July 1, 2007.

**Steele**

January 18, 2007, read first time and referred to Committee on Agriculture and Small Business.  
February 20, 2007, reported favorably — Do Pass.

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SB 486—LS 7292/DI 14+



February 21, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 486

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-2.1-2-27 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) "Livestock"  
3 means domestic animals, except the following:

4 (1) Aquatic animals.

5 (2) Fish.

6 (3) Dogs.

7 (4) Cats.

8 (5) Poultry and other birds, except ratites that meet the definition  
9 of domestic animal set forth in section 15 of this chapter.

10 (b) "Livestock", for purposes of IC 15-2.1-24, means cattle, sheep,  
11 swine, goats, bison, farm raised cervidae, ratitae, horses, mules, or  
12 other equines, whether live or dead.

13 (c) "Livestock", for purposes of IC 15-2.1-25, has the meaning  
14 set forth in IC 15-2.1-25-1(1).

15 SECTION 2. IC 15-2.1-25 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2007]:

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**Chapter 25. Animal Identification Program**

**Sec. 1. The definitions in this section apply throughout this chapter:**

**(1) "Livestock" includes:**

- (A) cattle;**
- (B) swine;**
- (C) sheep;**
- (D) goats;**
- (E) equines, including mules, horses, and donkeys;**
- (F) poultry, including chickens, ducks, geese, guineas, pigeons, pheasants, quail, turkeys, and exotic fowl;**
- (G) deer;**
- (H) elk;**
- (I) bison;**
- (J) llama and alpacas;**
- (K) aquatic animals, including clams, crawfish, catfish, mussels, oysters, salmon, striped bass, shrimp, scallops, talapia, and trout; and**
- (L) any other animal that the state or the USDA may have, either directly or indirectly, included in the NAIS.**

**(2) "NAIS" refers to the National Animal Identification System or any component thereof, including:**

- (A) premises or property identification by number;**
- (B) animal identification; and**
- (C) tracking or surveillance of domesticated animals.**

**(3) "Premises" means a location that holds, manages, or boards animals.**

**(4) "USDA" refers to the United States Department of Agriculture, and any successor agency within the federal government.**

**Sec. 2. (a) The state may not:**

- (1) establish; or**
- (2) participate in;**

**any program of animal identification except for the disease control programs listed in subsection (c) and similar programs specifically designed to address a known disease in a specific species of livestock.**

**(b) The state may not:**

- (1) establish; or**
- (2) participate in;**

**any program for registration of premises holding livestock except for the disease control programs listed in subsection (c) and similar**

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1 programs specifically designed to address a known disease in a  
2 specific species of livestock.

3 (c) The state may participate in programs to test for the  
4 following diseases provided that the state's future participation is  
5 limited to the extent of the state's participation in programs on  
6 June 30, 2007:

7 (1) Tuberculosis.

8 (2) Brucellosis.

9 (3) Johne's disease.

10 (4) Pseudorabies.

11 (5) Equine infectious anemia.

12 (6) Transmissible spongiform encephalopathies (TSEs),  
13 including bovine spongiform encephalopathy, scrapie, and  
14 chronic wasting disease.

15 (d) Any agreements entered into by the state with any other  
16 state or the federal government concerning the NAIS, animal  
17 identification, or registration of premises holding livestock are  
18 void.

19 Sec. 3. Any private system for premises registration and animal  
20 identification is subject to the following limitations:

21 (1) The private system must provide for full and informed  
22 consent of all participants, including:

23 (A) disclosure of the entire private system;

24 (B) the possible uses of information collected; and

25 (C) the entity or person to whom information may be  
26 disclosed.

27 (2) A person that voluntarily enrolls in the private system  
28 must be allowed to withdraw from the private system at any  
29 time, and personal information of a person withdrawing must  
30 be permanently removed from the private system records.

31 (3) Public funds may not be used to support a private system  
32 for premises registration and animal identification.

33 (4) A private system for premises registration and animal  
34 identification may not be used to gain an unfair competitive  
35 advantage and shall be subject to laws restricting unfair  
36 competition.

37 (5) A private system for premises registration and animal  
38 identification may not be used to deny services to a person  
39 not participating in the private system, including:

40 (A) the purchase of supplies;

41 (B) the veterinary services;

42 (C) the transport of animals;

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- (D) the sale of animals at sale barns;
- (E) the slaughter and processing of animals; and
- (F) participation in:
  - (i) shows;
  - (ii) parades;
  - (iii) rodeos; or
  - (iv) similar events.

**Sec. 4. (a)** The state and units of local government may not provide any special consideration or other incentives to benefit any participant in an animal identification or premises registration based solely on participation in a private system for premises registration and animal identification under section 3 of this chapter.

**(b)** The state and units of local government may not deny any special consideration or other incentives to any person that chooses not to participate in a private system for premises registration and animal identification under section 3 of this chapter.

**(c)** The state and units of local government may not revoke or limit licenses or permits to the following solely for failure to participate in a private system for premises registration and animal identification under section 3 of this chapter:

- (1) Farriers.
- (2) Veterinarians.
- (3) Slaughterhouses and meat processors.
- (4) Feedlots.
- (5) Brokers.
- (6) Sales outlets.
- (7) Transporters.
- (8) Feed suppliers.
- (9) Retail establishments.
- (10) Rodeos, shows, or other competitive events.
- (11) 4-H or Future Farmers of America programs and events.
- (12) State or local fairs or animal shows.
- (13) Animal rescue facilities, shelters, or similar nonprofit entities.

**(d)** The state and units of local government may not require a person that contracts with the state or unit of local government to participate in a private system for premises registration and animal identification under section 3 of this chapter as a precondition for entering into a contract to provide services or supplies.

**Sec. 5.** The state veterinarian shall, as soon as possible after July

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1, 2007, work with units of local government to identify entities that have established premises identification lists or data bases. After entities that have established premises identification lists or data bases are identified, the state veterinarian shall provide written notice to all persons included on the lists or in the data bases notifying them of:

- (1) their inclusion on the lists or in the data bases; and
- (2) procedures under which they may remove information from the lists or data bases.

Sec. 6. Any rules adopted by the board and any cooperative agreement between the federal government and the state or between the state and other states related to the establishment of:

- (1) animal tracking;
- (2) tagging;
- (3) registration;
- (4) information data bases;
- (5) premises registration,
- (6) the use of microchips for animal tagging purposes; or
- (7) other matters related to the NAIS program;

are void.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 486, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 486 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 8, Nays 1.

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